

LEGISLATIVE REPORT

as of 2/13/18

Appropriations:

All appropriations from the PSTIF that were approved by the PSTIF Board of Trustees were recommended to the Missouri General Assembly by Governor Greitens. The House and Senate have held initial hearings on those appropriations.

Bills Directly Affecting the PSTIF:

SB961 (Cunningham) – Would extend the sunset date of the PSTIF from 12/31/2020 to 12/31/2030.

HB2257 (Redmon) – Would extend the sunset date of the PSTIF from 12/31/2020 to 12/31/2030 and make other changes. *(See attached list of changes.)*

Other Bills of Interest:

Several “fund sweep bills” have been filed, but they are narrowly written and only authorize sweeps from specific funds for specific purposes. We will monitor those bills and will let you know if any of them are amended in such a way that the PSTIF could be affected.

Multiple bills have been filed to limit or prescribe actions by state agencies, including bills that would:

- **Require every state agency to submit a zero-based budget analysis to the General Assembly – HB1477 (Brattin).** Same bill filed last year.
- **Impose limitations and requirements on state agencies’ contingency contracts with attorneys – HB1654 (Cornejo).**
- **Require every state agency to make all its publications available on its website and allow citizens to “do business” with it via the internet – HB1644 (Sommer).**
- **Prohibit any state agency from acquiring land without prior notice to and approval by the General Assembly – HB1765 (Pogue).**

- Prohibit any state agency from implementing or enforcing any requirement not explicitly authorized by state law or an agency's rule – [HB1576](#) (Wiemann).
- Ask voters to approve a constitutional amendment to prohibit state agencies from implementing any program conferring a state public benefit without an appropriation for such a program – [SJR33](#) (Eigel).

Several bills would affect state boards/commissions and/or their individual members, including bills that would:

- Amend financial disclosure law to require disclosure of all investments, not just those over \$10,000 – [HB1889](#) (Rowland).
- Submit a constitutional amendment to voters to prohibit persons appointed to boards and commissions from voting until after the Senate confirms their appointment – [HJR68](#) (Swan).
- Require the Governor to inform the Senate of any board appointments made while the Legislature is not in session, require a public “swearing in” of new appointees, and prohibit the Governor from withdrawing or rescinding such appointments except for malfeasance – [SB794](#) (Romine).

Bills related to liability, “tort reform,” or insurance companies would:

- Amend the statute of limitations and other aspects of tort law – [HB1611](#) (Trent) and [HB1965](#) (DeGroot).
- Amend laws relating to unlawful merchandising practices, products liability claims, and venue requirements – [SB832](#) (Rowden).
- Provide that an insurer who deposits the limits of coverage with a court shall not be liable for an amount in excess of the coverage limits in an inter-pleader action – [SB778](#) (Rowden).
- Modify laws governing insurance companies relating to coverage of the cost to defend a claim in an administrative proceeding; require the AGO to perform “takings analyses” for state agencies’ rules affecting real property; modify law regarding award of fees and expenses to prevailing party in lawsuits involving state agencies; and modify procedures for judicial review of action by a state agency – [SB691](#) (Emery).

Other bills of interest would:

- **Extend sunset date for retail petroleum storage facilities to pay annual fee to support State Emergency Management Commission and local fire responders – [HB1364](#) (Kidd) and [SB626](#) (Munzlinger).** Same bill filed last year; would extend sunset date from August 28, 2018 to August 28, 2024. Note: Governor's Task Force recommended consolidation of SEMC with DNR's Hazardous Waste Management Commission.
- **Change the definition of “waters of the state” and make other changes to Missouri’s Clean Water Law – [SB823](#) (Schatz).**
- **Create the Missouri Contaminated Home Acquisition Program, allowing owners of homes deemed uninhabitable due to thorium-230 contamination to sell their home for fair market rate to the Department of Natural Resources – [SB558](#) (Chappelle-Nadal).** Also requires certain disclosures for sale of homes contaminated with radioactive material.

Summary of HB2257

319.015 – Clarifies that underground fuel tanks are not “utilities” required to participate in the “One-Call” system.

319.100 – Corrects a typographical error so Missouri’s definition of “underground storage tank” matches EPA’s.

319.129.4 – Enlarges the pool of tank owners eligible to serve on PSTIF Board of Trustees.

319.129.9 – Authorizes PSTIF Board of Trustees to buy properties impacted by releases from its insureds’ tank systems, and/or to directly engage contractors to remediate or mitigate impacts on such properties.

319.129.13 – Authorizes PSTIF Board of Trustees to place liens on properties and to assign an insured’s benefits to a successor.

319.129.16 – Extends all of PSTIF Board’s current operations for an additional ten years. (Under current law, the Board’s operations will be reduced on January 1, 2021, thereafter no longer insuring tank owners or accepting new claims, and only paying “runout” for claims previously filed.)

319.131.1 – Clarifies that the fuel hydrant system at Lambert Airport cannot be insured by the PSTIF. (Airlines have never paid the PSTIF transport load fee and have never been eligible for PSTIF insurance; see 319.132.6, RSMo.)

319.131.3 – Eliminates requirement for PSTIF Board to enforce EPA rules as a condition of providing insurance coverage.

319.131.5, 6, 8, and 9 – Corrects obsolete or inaccurate references. (Supreme Court recently ruled “the fund” is simply an account in the State Treasury and only “the board” can take actions.)

319.131.6 – Also authorizes the PSTIF Board to offer increased coverage so benefits for legal defense costs are excess to the \$1 million per occurrence coverage for cleanup and third party damages.

319.131.9 – Deletes obsolete language from 1996 legislation.

319.131.9 and 10 – Limits the amount of time benefits are available to clean up historical pollution from tanks taken out of use by/before December 31, 1997.

319.132 – Requires “sweeps” of money from the PSTIF for unrelated purposes to be repaid, assuring the Board can meet its future obligations.

319.133 – Removes provision unrelated to PSTIF operations. (The “registration fee” is charged by DNR and paid into a different fund.)

– Eliminates option for tank owners to pay participation fees in semi-annual installments; (none do so now).

– Broadens the Board’s current authority to require first-time applicants for coverage to demonstrate their tank site is not already polluted.